

DISTRICT OF MINNESOTA, SS:

CHARLES BURNHAM, being duly sworn, deposes and states as follows:

INDECENT EXPOSURE ON AN AIRCRAFT

1. This Affidavit is made in support of a Complaint charging SIDNEY ROYEL SELBY III with the misdemeanor offense of Indecent Exposure on an Aircraft, in violation of Title 49, United States Code, Section 46506(2), and D.C. Code Section 22-1312. The facts set forth in this Affidavit are based on my personal knowledge, information I obtained from other individuals during my participation in this investigation, my review of documents and records related to this investigation, and information gained through my training and experience. Because this Affidavit is submitted for the limited purpose of showing there is probable cause for the offense alleged in the Complaint, I have not included each and every fact known to me.

2. I am a Special Agent of the Federal Bureau of Investigation and have been so employed since 2009. I am charged with the duty of investigating violations of the laws of the United States, collecting evidence in cases in which the United States is or may be a party of interest, and performing other duties imposed by law. When I initially joined the FBI, I spent approximately five months at the FBI training academy in Quantico, Virginia. I have received

law-enforcement training related to many crimes, including specialized training on crimes that are often committed in airports and aboard aircrafts.

3. On April 17, 2023, I became aware of an incident aboard a Delta Airlines flight involving SIDNEY ROYEL SELBY III, who was born in May 1997. SELBY is a resident of Chatsworth, California, and a professional musician who performs under the name “Desiigner.” On April 17, 2023, SELBY obscenely and indecently exposed his genitals and masturbated in a public place. These offenses took place on Delta Airlines Flight 120, aboard an Airbus 330 aircraft configured with seating classifications of Delta One, Delta Premium, Comfort Plus, and Main Cabin. The flight departed from Tokyo, Japan, at approximately 4:20 p.m. (Japan Standard Time), and arrived in Minneapolis, Minnesota, at approximately 2:20 p.m. (Central Standard Time (“CST”)). I have reviewed SELBY’s travel itinerary, provided by Delta Airlines, and have confirmed SELBY was a passenger on Flight 120 on April 17, 2023.

4. I learned of the incident involving SELBY at approximately 10:15 a.m. (CST) on April 17, 2023, prior to the flight’s arrival. After the flight arrived and the passengers disembarked, I interviewed SELBY, Flight Attendant 1, Flight Attendant 2, the Lead Flight Attendant, SELBY’s Security Guard, and others.

APPLICABLE LAW, JURISDICTION, AND VENUE

5. Title 49, United States Code, Section 46501(1) and (2)(C) provides that any aircraft in flight in the United States is in the special aircraft jurisdiction of the United States.

6. Title 49, United States Code, Section 46506 applies certain federal and state criminal laws to acts committed by individuals on an aircraft in the special aircraft jurisdiction of the United States. In pertinent part, Title 49, United States Code, Section 46506(2), applies D.C. Code Section 22-1312, which was formerly codified as D.C. Code Section 22-1112. That section of the D.C. Code states, in pertinent part, “It is unlawful for a person, in public, to make an obscene or indecent exposure of his or her genitalia or anus [or] to engage in masturbation.” A violation of this section is a misdemeanor punishable by imprisonment “for not more than 90 days,” and a fine of not more than \$500.

7. This Court has jurisdiction under Title 49, United States Code, Sections 46501(2) and 46506, because the offense occurred on an aircraft in flight that had its next scheduled destination in the United States and the flight landed in the United States.

8. Venue is proper in the District of Minnesota under Title 18, United States Code, Section 3237, because the offense was a continuing offense and the aircraft and SELBY each moved into the State and District of Minnesota.

FACTS ESTABLISHING PROBABLE CAUSE

9. After Delta Airlines Flight 120 took off from Tokyo, Flight Attendant 1 was providing services to the Delta One cabin, which is more commonly known as first class. SELBY was a passenger in the Delta One cabin and was seated in seat 1J. About 60 to 90 minutes after takeoff, Flight Attendant 1 noticed SELBY's penis was outside of his sweatpants. Flight Attendant 1 told Selby, "No." SELBY then put his penis in his pants.

10. About five minutes later, Flight Attendants 1 and 2 were servicing the cabin. Flight Attendants 1 and 2 each saw SELBY's penis outside of his pants again. His penis was erect, and he was masturbating. Flight Attendant 2 told SELBY, "No." SELBY covered his penis. The Lead Flight Attendant came to SELBY's seat and told him he was going to be arrested.

11. A short time later, Flight Attendant 1 saw SELBY's penis out of his pants a third time. The Lead Flight Attendant handed SELBY an FAA violation card, which is a notice that states that a passenger's behavior "appears to be in violation of federal law." SELBY replied that he was sorry.

12. At the request of the flight attendants, SELBY moved to the rear of the plane and was seated near two travel companions who agreed to monitor him. When SELBY initially stood up to move seats, a jar of Vaseline dropped in the aisle.



13. Once seated with his companions, SELBY told his Security Guard that he was “bugging,” had “messed up,” and was “sorry.” He engaged in no additional acts of exposure or masturbation during the flight. At the end of the flight, SELBY apologized to airplane staff.

#### INTERVIEW OF SELBY

14. When Flight 120 arrived in Minneapolis, SELBY was detained and taken to a conference room at Terminal 1 of the Minneapolis-St. Paul Airport (“MSP”), where I interviewed him. The interview was audio recorded. I began the interview by providing SELBY a *Miranda* warning. I asked what had happened. SELBY said he was returning after performing in Japan, where he “didn’t really get much . . . cootie.” As a result, he said he was “brick hard” when he got on the plane.

15. SELBY said that on the plane he saw a “real great beautiful lady, and I just kind of showed her, showed her, um, ‘the magic stick.’” He confirmed that “the magic stick” referred to his penis. He said the “beautiful lady” was a female flight attendant with red hair. This fit the physical description of Flight Attendant 2. I asked if he took his penis out on purpose. SELBY said “yeah, she was turning me on.” He said he exposed himself “because I didn’t have anything in like a week,” which I understood to mean he had not had sex in about a week. I asked if he thought his actions interrupted Flight Attendant

2's work, and he said, "I thought I was giving her encouragement, to keep pushing, you know what I mean, to keep striving for it."

16. SELBY said that one of the flight attendants told him, "You can't do that on a flight. Kids might walk past." But when I asked SELBY if he exposed himself a second time, he said "yeah, I have to do it twice," once for Flight Attendant 2 and once "for her friend." SELBY described the "friend" as a female flight attendant with long blonde hair, which fit the physical description of Flight Attendant 1.

17. I asked SELBY if he was under the influence. He said "no." SELBY stated he had recently been prescribed medicine in Thailand, and he showed me medicines bearing labels from Bangkok Hospital. He said he had not taken the medicine prior to exposing himself on the airplane. He had only taken vitamins. SELBY did not appear to me to be impaired. He appeared to understand all my questions, which he answered with coherent responses.

18. At the end of the interview, I told SELBY he was not under arrest today, then SELBY left.

### CONCLUSION

19. Based on the information set forth in this Affidavit, I respectfully submit that there is probable cause to believe that on April 17, 2023, SIDNEY ROYEL SELBY III committed the misdemeanor offense of Indecent Exposure

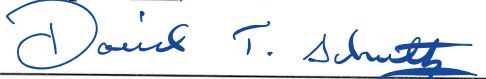
on an Aircraft, a violation of Title 49, United States Code, Section 46506(2),  
and D.C. Code Section 22-1312.

Respectfully Submitted,



Charles Burnham, Special Agent  
Federal Bureau of Investigation

SUBSCRIBED and SWORN before me  
by reliable electronic means (Facetime  
and email) pursuant to Fed. Crim. P. 41(d)(3)  
on April 21, 2023.



The Honorable David T. Schultz  
United States Magistrate Judge